

Attorney Docket: 032,290-0006
(Formerly ARTM-1005US)

REMARKS

Applicants thank the Examiner for taking time on October 20, 2003, to discuss the outstanding Office Action. Reconsideration of the rejections set forth in the Office Action dated September 24, 2003, is respectfully requested. Claims 162-166 have been amended to correct antecedent basis as suggested by the examiner. These amendments are made without introducing new matter.

With regard to the art rejections, applicants respectfully assert that Corbitt is not prior art to the claims pending herein. Specification support for all pending claims can be found in U.S. Application Serial No. 60/090,243, filed June 22, 1998, the benefit of which is claimed in the present application. Corbitt is not prior art because Corbitt did not describe, before June 22, 1998, a biopsy site marker that can be visualized remotely. Therefore, all claim rejections should be withdrawn.

CONCLUSION

For all the foregoing reasons, Applicants respectfully assert the claims are now in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any minor issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-0639.

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Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: October 22, 2003

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